

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2004 JUL 15 P 2:13

HMH TRANSPORTATION, INC.,
Plaintiff

V.

NAVIGATOR LOGISTICS MANAGEMENT,
INC., and CARL S. HURVITZ a/k/a
C. STEVEN HURVITZ and STEVEN HURVITZ
and CARL STEVEN HURVITZ,
Defendants

U.S. DISTRICT COURT
DISTRICT OF MASS.

Case Number 04-10127-NG

AFFIDAVIT OF JONATHAN H. ALLEN, ESQ.

I, Jonathan H. Allen, Esq., hereby make affidavit and state.

1. I am an attorney licensed to practice law in the Commonwealth of Massachusetts and in the District of Massachusetts of the United States District Court.
2. I have represented the Plaintiff HMH Transportation, Inc. in this matter since its inception.
3. Despite numerous (more than 25) attempts to contact my client by telephone at various times of day, and at two different telephone numbers, I have been unable to contact my client since June 7, 2004. Both telephone numbers ring continually with no answering machine or service connected.
4. I attempted to reach my client via facsimile on June 29, 2004, however, the fax would not go through. See Communication Journal attached hereto and marked as Exhibit "A".

2. I have represented the Plaintiff HMH Transportation, Inc. in this matter since its inception.

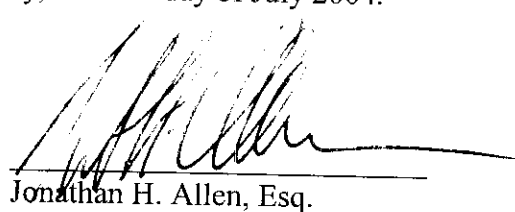
3. Despite numerous (more than 25) attempts to contact my client by telephone at various times of day, and at two different telephone numbers, I have been unable to contact my client since June 7, 2004. Both telephone numbers ring continually with no answering machine or service connected.

4. I attempted to reach my client via facsimile on June 29, 2004, however, the fax would not go through. See Communication Journal attached hereto and marked as Exhibit "A".

Affidavit
Page 2

5. I attempted to reach my client via certified mail, by letter dated June 29, 2004, however, said letter was returned by the post office indicating that there was "no mail receptacle." See a redacted copy of that letter which is attached hereto and marked as Exhibit "B" together with a copy of the envelope, attached hereto and marked as Exhibit "C".
6. I have attempted to locate Larry Brewer, the principal of HMH Transportation, Inc., at his home address, through an internet-based skip-tracing service, without success.
7. When I last spoke with Mr. Brewer on June 7, 2004, he indicated that HMH Transportation, Inc. was no longer in business.
8. When I spoke with Mr. Brewer on June 7, 2004, I requested that he forward certain documentation to me to further support and substantiate the claims made against the Defendants Navigator Logistics Management, Inc. and Carl S. Hurvitz. At that time, I indicated that, absent receipt of such documentation, I would recommend dismissing the case. To date, no documentation has been received, nor have I received any communications from my client.
9. Since my client has been unresponsive to my request for additional documentation, and I have been unable to reach my client despite repeated and varied attempts, this firm is no longer able to continue representing HMH Transportation, Inc., in connection with this matter.

Signed under the pains and penalties of perjury, this 14th day of July 2004.

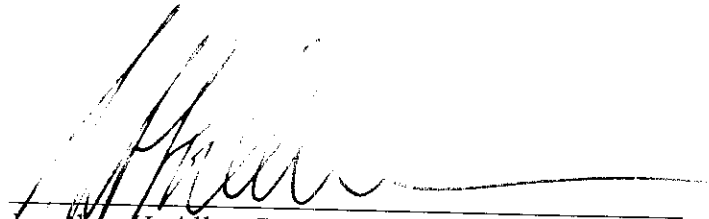


Jonathan H. Allen, Esq.

CERTIFICATE OF SERVICE

I, Jonathan H. Allen, Esq., do hereby certify that a true and correct copy of the above and foregoing Motion for Leave to Withdraw as Plaintiff's Counsel, has been served by placing same in the United States Mail, first class, postage prepaid, on this 14th day of July 2004 to:

Leonard M. Singer, Esq.
Craighead Glick, LLP
277 Dartmouth Street
Boston, MA 02116


Jonathan H. Allen, Esq.

6